



**ARIZONA DEPARTMENT OF ECONOMIC SECURITY**

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Janet Napolitano  
Governor

David A. Berns  
Director

May 11, 2005

**WIA GUIDANCE LETTER #04-05**

**SUBJECT: WIA Youth Determined Eligible under the 5% Window**

**REFERENCE:** P.L. 105-220, Section 129(c)(5) of the Workforce Investment Act (WIA) and 20 CFR 664.220, 664.230 of WIA Final Rules, dated August 11, 2000.

**BACKGROUND:** WIA requires that at least 95% of youth served in the Title 1B program be economically disadvantaged. Up to 5% of youth participants in each local area who do not meet the low-income eligibility requirements can be determined eligible for WIA services by use of the "5% Window" if they have one or more of the following barriers:

- (a) School dropout;
- (b) Basic skills deficient, as defined in WIA section 101(4);
- (c) Are one or more grade levels below the grade level appropriate to the individual's age;
- (d) Pregnant or parenting;
- (e) Possess one or more disabilities, including learning disabilities;
- (f) Homeless or runaway;
- (g) Offender; or
- (h) Face serious barriers to employment **as identified by the Local Board** (WIA Section 129(c)(5)).

**POLICY:** Effective July 1, 2005, **all WIA Title 1B non-low income** youth participants will be counted in the **5% window** category at the end of each month of enrollment, and continuing each month and each year until they are exited from the program. **Eligibility is determined at registration and does not change throughout the participant's enrollment.**

**ACTION REQUIRED:** LWIAs are to establish a procedure or process effective July 1, 2005, to track the enrollment of youth participants each program month. To ensure that the 5% limitation is being met, this procedure must identify youth enrolled under the 5% window of eligibility, including all carry-overs and exited youth. To document the appropriate enrollment of youth meeting the requirements of WIA regulations, a monthly youth participation list must be maintained and made available during the Annual Technical Assistance Review. This list must include all enrolled youth participants and identify the youth as economically disadvantaged or non-economically disadvantaged (5%). It is essential that local area staff regularly review/monitor youth enrollments and take corrective action as necessary to ensure compliance with the 5% limitation for non-economically disadvantaged youth enrollments. Attached is a suggested sample form to manually track youth participant enrollments and two monthly examples of the youth enrollment register.

**VOS does not track the ratio of economically disadvantaged youth compared to the total number of youth enrolled.** If program monitoring establishes that an LWIA is not complying with this guidance letter, and has exceeded the allowed 5% of

non-economically disadvantage youth, the WIA Fiscal Unit will determine any disallowed expenditures and appropriate repayments that would be required.

Since the State has not previously defined a policy for documenting 5% window enrollments, LWIAs that have exceeded or are currently exceeding the 5% window will not be held liable for incurred expenditures. Services to these individuals should not be interrupted. However, those LWIAs are not to enroll any youth who do not meet the low income guidelines until their non-economically disadvantaged enrollments are within the 5% limitation. The assigned Field Operations Liaison will work closely with the LWIA to ensure that the requirements are met.

If you have any questions or need additional assistance please contact the Field Operations Manager, Mimi Hurtado at (602) 542-2475 or [mhurtado@azdes.gov](mailto:mhurtado@azdes.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Lela Alston". The signature is fluid and cursive, with the first name "Lela" and last name "Alston" clearly distinguishable.

Lela Alston  
WIA Section Manager  
Employment Administration

Attachments (3)